

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.P.NO.25131 OF 2005

-

Between:

Sri B.Rajender Rao

.....Petitioner

AND

The Principal Secretary,

Municipal Administration and

Urban Development,

Government of A.P.

Secretariat, Hyderabad and 3 others.

.....Respondents

::JUDGMENT::

Counsel for the Appellant : Sri Prem Raj

Counsel for Respondent No. 1 : none

Counsel for Respondent No.2 : Sri Islamuddin Ansari for

Sri Ghanta Rama Rao

Dated 3/4/2006

Per Sri G.S.Singhvi, CJ

In this petition filed in public interest, the petitioner has prayed for issuance of a direction to respondent Nos.1 to 4 to stop construction work at and around the statue of Netaji Subhash Chandra Bose, opposite Secunderabad railway station.

On 16.12.2005, the Court had, after hearing Sri Sanjay Jaju, Commissioner, Municipal Corporation of Hyderabad, who appeared in person, requested Smt.Rekha Prasad and Smt.Neeraja Sudhakar Reddy to act as Court Commissioners and submit report after inspecting the site. Smt.Prasad and Smt.Reddy, inspected the site and submitted the report, which revealed that the statement made by the Commissioner, Municipal Corporation of Hyderabad was far from correct.

On 28.12.2005 and 1.2.2006, the Court issued further directions to the respondents

to take up programme for landscaping and road widening in the area around the statue of Netaji Subhash Chandra Bose.

In compliance of the court orders, Municipal Corporation of Hyderabad has undertaken several developmental works after removing the toilet being constructed under the BOT scheme. Smt.Jyoti Kiran, learned standing counsel for the Municipal Corporation has placed before the Court two letters dated 1.4.2006 sent by Executive Engineer, PD II MCH and Chief Horticulturist, MCH to the Additional Commissioner H&S (Legal) and Additional Commissioner, (H&S) respectively. The relevant portions of these letters are reproduced below.

Letter dated 4.1.2006 of Executive Engineer, PD-II

“With reference to the Hon’ble High Court orders vide reference cited, the Municipal Corporation of Hyderabad has taken up to development works at the surroundings of Sri Netaji Subash Chandra Bose statue at Secunderabad Railway Station. Which include the following works.

1. BOT toilets under construction are removed totally.
2. The Road Development is taken around the statute including reducing the island, re-location of bus bays, providing greenery in the island. A water fountain is under construction and will be completed within a fortnight.
3. The Bus stop opposite to the Gurudwara is given to RTC authorities for development.
4. The road from Clock Tower Park to Railway Station is widened for 80’-0 and 40’-0 i.e. a total carriage way of 120’-0 wide with foot paths and street lights on both sides.
5. A parking lot for four wheelers is constructed at Pass Port Office with modern auto collection pre-paid card system for the public.

The total expenditure for all the works is about Rs.94.00

lakhs apart from Rs.112.00 lakhs for compensation

towards structure value.”

Letter dt.1.4.2006 of Chief Horticulturist

Vide reference 1st cited, Smt.Jyothi Kiran, Standing counsel, MCH has informed that the Hon'ble High Court has directed MCH to complete the civil work i.e. construction of divider & the beautification and landscaping works at the statue of Netaji Subhash Chandra Bose near Secunderabad Railway Station within two months and the matter was listed on 3.4.2006.

Vide reference 2nd cited, instructions were issued for completion of landscaping works at the statue of Netaji Subhash Chandra Bose near Secunderabad Railway Station before 31.3.2006.

In this regard it is submitted that the landscape works at the statue of Netaji Subash Chandra Bose near Secunderabad Railway Station is completed by 31.3.2006.”

Having perused the contents of the aforementioned letters, we are satisfied with the action taken by the Municipal Corporation to beautify the area around the statue of Netaji Subhash Chandra Bose.

Smt.Jyoti Kiran says that within a period of 15 days from today, new fountain would be laid as a part of the landscaping undertaken in and around the statue of Netaji Subhash Chandra Bose.

In view of the above, the writ petition is disposed of as infructuous.

G.S.SINGHVI, CJ

Dt.3/4/2006

G.BHAVANI PRASAD,J

msv

